

REMARKS/ ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 3, 9, 10, 17, and 22 have been canceled without prejudice.

35 U.S.C. § 102(e) Rejections

Examiner rejected claims 1-26 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent 6,421,707 (hereinafter "Miller").

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (Manual of Patent Examining Procedures (MPEP) ¶ 2131.)

The independent claims of the present application include limitations not taught by Miller. As a result, Miller does not anticipate the independent claims.

Specifically, applicant's independent claims include the limitation, or a limitation similar thereto, of "selecting one of at least two delivery vehicles available to deliver notice of the email, the two delivery vehicles identified in the user profile . . ." (Applicant's Independent Claim 1). Miller, however, teaches a delivery subsystem capable of handling a number of output formats (Col. 3, lines 36-38), Miller does not teach where a plurality of delivery vehicles are available and can be used in response to a user profile, as in the claims.

Rather, Miller teaches where a user can establish rules which can govern the behavior of a wireless network (Col. 4, lines 48-51, see Fig 4(c)). A user can establish rules controlling which output device is to be used by the network (Col. 4, lines 51-54). These rules can tell a system, for example, to send an e-mail using SMS if the e-mail is received on a weekday.

Although the user can establish specific output devices for a number of difference circumstances (e.g., a permanent rule and a vacation rule, Col. 4, lines 54-60), *there is only one output device available for each specific circumstance*. For example, if a user sets a rule that an e-mail must be sent using SMS if it is received on a weekday, the only way an e-mail received on a weekday can be sent by the network is via SMS. Further, a rule cannot be changed without the user changing it (Col. 4, lines 49-51).

In other words, the system taught by Miller is capable of outputting to only a single device, given a specific set of circumstances. For these reasons, Miller does not teach selecting one of at least two delivery vehicles available to deliver notice of the email, the two delivery vehicles identified in the user profile, as is claimed by applicant. As a result, Miller does not anticipate applicant's independent claims.

In addition, the remaining claims depend from one of the independent claims as discussed above, and therefore include similar limitations, and as a result are not anticipated by Miller.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

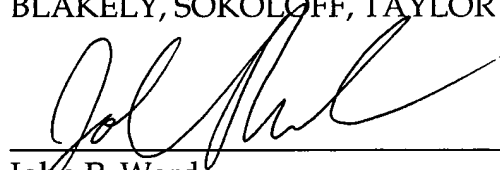
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

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